

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff,

v.

UWE MUELLER,

Defendant.

Case No. 14-CV-09221 (KMK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declarations of Uwe Mueller, dated August 28, 2016 and Dr. Ernesto Loh, dated August 11, 2016, and the accompanying Memorandum of Law filed simultaneously herewith, Defendant Uwe Mueller, by his attorneys, DLA Piper LLP (US), will move before the Honorable Judge Kenneth M. Karas, United States District Judge, of the United States District Court, Southern District of New York, at 300 Quarropas Street, White Plains, New York 10601-4150, on a date and at a time designated by the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss with prejudice Plaintiff's Complaint and for such other and further relief as the Court deems just and proper. The grounds upon which Defendant Mueller seeks relief are set forth in detail in the accompanying Memorandum of Law.

Dated: New York, New York
September 2, 2016

Respectfully submitted,

DLA PIPER LLP (US)

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